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Security Council
Fifty-second Year

Provisional

3747th Meeting
Friday, 7 March 1997, 6.30 p.m.
New York

President:	Mr. Wlosowicz	(Poland)
Members:	Chile	Mr. Somavía
	China	Mr. Qin Huasun
	Costa Rica	Mr. Berrocal Soto
	Egypt	Mr. Elaraby
	France	Mr. Ladsous
	Guinea-Bissau	Mr. Cabral
	Japan	Mr. Konishi
	Kenya	Mr. Mahugu
	Portugal	Mr. Soares
	Republic of Korea	Mr. Park
	Russian Federation	Mr. Lavrov
	Sweden	Mr. Osvald
	United Kingdom of Great Britain and Northern Ireland	Sir John Weston
	United States of America	Mr. Richardson

Agenda

The situation in the occupied Arab territories

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The meeting was called to order at 6.30 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the occupied Arab territories

The President: In accordance with the decision taken at the 3745th meeting, I invite the representative of Israel to take a seat at the Council table; I invite the Permanent Observer of Palestine to take a seat at the Council table; I invite the representatives of Afghanistan, Algeria, Argentina, Bahrain, Bangladesh, Brazil, Canada, Colombia, Cuba, Indonesia, the Islamic Republic of Iran, Jordan, Kuwait, Lebanon, Malaysia, Malta, Morocco, the Netherlands, Norway, Oman, Pakistan, the Philippines, Qatar, Saudi Arabia, the Sudan, the Syrian Arab Republic, Tunisia, Turkey, the United Arab Emirates and Yemen to take the seats reserved for them at the side of the Council Chamber.

At the invitation of the President, Mr. Peleg (Israel) and Mr. Al-Kidwa (Palestine) took seats at the Council table; Mr. Farhadi (Afghanistan), Mr. Baali (Algeria), Mr. Petrella (Argentina), Mr. Buallay (Bahrain), Mr. Chowdhury (Bangladesh), Mr. Amorim (Brazil), Mr. Karsgaard (Canada), Mr. García (Colombia), Mr. Núñez Mosquera (Cuba), Mr. Wisnumurti (Indonesia), Mr. Kharrazi (Islamic Republic of Iran), Mr. Abu-Nimah (Jordan), Mr. Abulhasan (Kuwait), Mr. Moubarak (Lebanon), Mr. Hasmy (Malaysia), Mr. Pace (Malta), Mr. Snoussi (Morocco), Mr. Berteling (Netherlands), Mr. Biørn Lian (Norway), Mr. Al-Khussaiby (Oman), Mr. Kamal (Pakistan), Mr. Mabilangan (Philippines), Mr. Al-Khalifa (Qatar), Mr. Al-Ahmed (Saudi Arabia), Mr. Erwa (Sudan), Mr. Wehbe (Syrian Arab Republic), Mr. Abdellah (Tunisia), Mr. Çelem (Turkey), Mr. Samhan (United Arab Emirates) and Mr. Al-Ashtal (Yemen) took the seats reserved for them at the side of the Council Chamber.

The President: The Security Council will now resume its consideration of the item on its agenda.

Members of the Council have before them document S/1997/199, which contains the text of a draft resolution submitted by France, Portugal, Sweden and the United Kingdom of Great Britain and Northern Ireland.

It is my understanding that the Council is ready to vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote.

There being no objection, it is so decided.

I shall first call on those members of the Council who wish to make statements before the voting.

Mr. Berrocal Soto (Costa Rica) (*interpretation from Spanish*): Mr. President, I take this opportunity to express my delegation's appreciation for the outstanding leadership you have shown in conducting our work in connection with this formal meeting, which was convened to address the situation of settlements in East Jerusalem. I also welcome the presence of the Secretary-General, Mr. Kofi Annan, who is with us this evening.

For several days now, the Security Council has devoted itself to discussing this matter, which is of crucial importance to the Middle East peace process. My country took part in the debate with a broad and well-defined position in support of the immediate resumption of the peace negotiations aimed at achieving full implementation of the Oslo agreements. Negotiations on these agreements were held under the visionary, energetic and bold leadership of the late, martyred Prime Minister of Israel, Yitzhak Rabin, and later continued by Prime Minister Shimon Peres and his successor, Prime Minister Benjamin Netanyahu, and by the Chairman of the Palestinian National Authority, Yasser Arafat.

On that occasion, Costa Rica was very clear in expressing its dissatisfaction at the recent decision by the Government of Israel to begin building a settlement at Har Homa in East Jerusalem. My country also reiterated its support for the legitimate rights of the Palestinian people, as well as for Israel's just historical claims to secure borders.

On that day, my Government stressed the important mediating role that President Clinton and the United States Government have played and continue to play in support of a firm, lasting and comprehensive peace in the Middle East. We also recognized the valuable contribution made by President Hosni Mubarak of Egypt and His Majesty King Hussein of Jordan.

My country's statement in this context concurred in its essential points with what was said in this Chamber by all the members of the Security Council. Accordingly, my delegation lent its support in the following days to the

draft text submitted by the countries of the European Union, on the understanding that the text's contents would accurately reflect what was expressed in the formal debate.

Costa Rica felt that in this regard there were no inconsistencies between the European text and what was stated by the members of the Council, and that the substance of this consensus could be expressed accurately and with a single voice by the Security Council. What we wanted was for this unity of thought to be expressed, be it in the format of a resolution or as a presidential statement. The important point, in my country's judgment, would have been to preserve the unity of that message in the content of the text, in whatever format the will of all the members of the Council had been expressed, as a resolution or as a presidential statement.

Unfortunately, the negotiation process took a different path, and the necessary consensus was not reached. During the informal consultations we stated, and we now reaffirm, that it would have been much more effective to maintain that unity of thought and opinion, even if it had been expressed not as a resolution, but rather as a presidential statement. That unity of purpose is what is needed by the peace process in the Middle East. We believe that that is the message the Security Council should send to the parties to the conflict, as an expression of the unqualified support of the international community for the peace process and the Oslo agreements.

However, faced with a de facto situation that we truly did not want and that in our opinion is not the ideal one, and having exhausted our possibilities of influencing matters in order to maintain that necessary unity in the Security Council, the Government of Costa Rica has decided to vote with the majority in support of the draft resolution before the Council as an expression of its support for the peace process and with the honest and firm intention to place on record its full support for the Oslo agreements.

Our message is that the spirit of Oslo must be maintained at all costs. That is the only way towards a stable and lasting peace in the Middle East. That is the message that we wish to see reflected in this decision by the Council.

Mr. Elaraby (Egypt) (*interpretation from Arabic*): The delegation of Egypt wished to speak before the voting on the draft resolution (S/1997/199) before the Council in order to make the following points.

First, the draft resolution faithfully reflects the sentiments of grave concern, as expressed by many delegations in the previous Council meeting on this subject, over the expansion of Israeli settlement activity and the recent Israeli Government decision on Jabal Abu Ghneim.

Secondly, the feelings expressed were overwhelmingly opposed to the Israeli position and underlined the fundamental international principle of the inadmissibility of the acquisition of land by force. More importantly, as the delegation of Egypt said two days ago, this settlement activity and expansion is in contravention of the legal commitments entered into by Israel with the Palestinian Authority.

Thirdly, we must express our deep appreciation to the delegations of France, Portugal, Sweden and the United Kingdom for their initiative in sponsoring the draft resolution, which expresses in form and in content the commitment to the provisions of the Charter of the United Nations and the norms of international law. It also reflects the support of the European Union for the peace process in the Middle East, which we believe is the overriding goal of the Council.

Fourthly, the delegation of Egypt will vote in favour of the draft resolution, which we believe represents a reaction of the Council that is commensurate with the gravity of the Israeli decision. This draft resolution is also balanced and avoids confrontation. Egypt and the Arab Group hope that the draft resolution will be adopted by consensus and that its adoption will be a step towards the consolidation of the peace process in the Middle East, especially as operative paragraph 3

> "*Calls upon* all parties to continue, in the interests of peace and security, their negotiations within the Middle East Peace Process on its agreed basis and the timely implementation of the agreements reached". *(S/1997/199, para. 3)*

The President: I now put to the vote the draft resolution contained in document S/1997/199.

A vote was taken by a show of hands.

In favour:

Chile, China, Costa Rica, Egypt, France, Guinea-Bissau, Japan, Kenya, Poland, Portugal, Republic of

Korea, Russian Federation, Sweden, United Kingdom of Great Britain and Northern Ireland

Against:

United States of America

The President: The result of the voting is as follows: 14 in favour, one against and no abstentions. The draft resolution has not been adopted, owing to the negative vote of a permanent member of the Council.

I shall now call on those members of the Council who wish to make statements following the voting.

Mr. Richardson (United States of America): During our formal debate in this Chamber earlier this week, we heard the views of many delegations on the Har Homa/Jabal Abu Ghneim controversy. We heard the deep concern with which many members of the Council greeted news of the Israeli Government's decision to commence construction. We listened as delegation after delegation expressed this concern.

The United States shares this concern as well. Let me restate our views. The decision of the Government of Israel runs counter to the progress and achievement of the parties to date. We do not believe such activity is helpful to the peace process, and, as President Clinton said earlier, we wish that this decision had not been made. It undermines the trust and confidence so badly needed in creating the appropriate environment for successful negotiations, especially on the difficult issues involved in the permanent status talks.

Let me emphasize this latter point, because it is absolutely critical. To achieve a just, lasting and comprehensive peace in the Middle East requires an honest negotiating process, one in which the parties do nothing to pre-empt, prejudge or predetermine talks over any of the issues the parties themselves have decided will be addressed in permanent status negotiations. This is the logic of the process the United States has co-sponsored since Madrid, and it is the only process that is credible and can produce results. For its part, the United States will do everything it can to ensure that the process retains its credibility and that issues reserved for permanent status negotiations can be addressed fairly and honestly in those negotiations.

Building this kind of environment also requires that the parties themselves take special care to avoid pre-emptive actions that prejudge outcomes, while also nurturing an atmosphere of trust and confidence. The decision on Har Homa/Jabal Abu Ghneim does just the opposite. We regret that it was taken. Member States of the United Nations, and in particular the members of this body, are understandably moved by a desire to react to this situation in a constructive manner. But we must take great care to respond to developments in a way that will bolster, not batter, the negotiating process and that will encourage the partners in peace, not discourage them from walking the path they have agreed to travel together — that of settling their differences in face-to-face talks.

That is the process we supported at Madrid and that is the process that has proven time and time again that it can achieve results that promise a historical transformation of the political landscape of the Arab-Israeli arena.

Unfortunately, this draft resolution would not have helped that process.

Members have heard our views on the inappropriateness of outside interference in the direct negotiations between the parties. We have never believed, despite the useful role the Council can and has played in working for Middle East peace, that it is an appropriate forum for debating the issues now under negotiation between the parties. It is not. Furthermore, this draft resolution makes sweeping statements concerning the legal status of Israeli settlements, which the parties themselves have agreed are to be treated as a permanent-status issue in the talks that are about to resume.

I do not suggest that the international community should not make its views clear on important issues such as the Middle East peace process. Indeed, in this spirit we have made a good-faith effort to work with other delegations to reach consensus on a presidential statement. As friends and supporters of the parties involved, we owe it to ourselves and to them to express our views frankly. But we should not be under the illusion that Council action to lay blame on one party or the other, or to interject ourselves into permanent-status issues, is the right way to go about this.

The record of the last few months proves that the parties themselves, working together, can resolve the many outstanding issues now before them. Against long odds and despite considerable political controversy, they succeeded in reaching agreement on Hebron. Yesterday,

Israel announced its first phase of further redeployments. This step represents a serious expansion of Palestinian authority. It is the first of three phases and we hope that Israel will do more in the second and third phases. At the same time, the Palestinians and Israelis have agreed to immediate and parallel negotiations on the Gaza airport, safe passage and other issues.

These should be accelerated. These are the instruments the parties use to resolve their differences and we must help to create the best possible environment for these negotiations to succeed.

What we ought to be doing is clear. We should reiterate our support for the achievements of the partners to date and respect their commitment to working together towards their common goal — a peaceful and prosperous Middle East — without the interference of outside parties. I am sorry to say that this draft resolution would not move us forward towards our common goal. Accordingly, the United States was obliged to vote against it.

The President: The representative of Palestine has asked to speak. I now call on him to make his statement.

Mr. Al-Kidwa (Palestine) (*interpretation from Arabic*): Allow me at the outset to thank Secretary-General Kofi Annan for his presence here today.

I wish to convey my deep thanks to the Arab member, members of the Non-Aligned Movement and all other members of the Council who voted in favour of the draft resolution contained in document S/1997/199. I also wish to pay a special tribute to the sponsors of the draft resolution: France, Portugal, Sweden and the United Kingdom of Great Britain and Northern Ireland. There is no doubt that the European sponsorship has great political significance and we certainly appreciate Europe's positive role here in the Council and in the peace process as a whole.

Furthermore, I wish to extend our appreciation to all the States that spoke before the Council on this matter to express a clear and unified international position critical of the Israeli decision to build a new settlement in Jabal Abu Ghneim in East Jerusalem, demanding that Israel refrain from construction and any other settlement activity in the occupied territories, including Jerusalem, and supporting the peace process and the implementation of the agreements reached between the parties. In this context, the international community has indeed sent a clear message to the Government of Israel, the occupying Power. It is our sincere hope that that Government will receive this message with the requisite wisdom.

The central importance of Jerusalem and the grave danger posed by the Israeli decision required the Palestinians and Arabs to insist that the Council adopt a clear draft resolution on this question. It was impossible for them to accept a fluid position incommensurate in content and form with the gravity of the situation. Nevertheless, we displayed the flexibility expected of us by accepting the European proposal as submitted in the hope that the Council would fulfil its obligations and its members achieve consensus.

However, despite the moderation and flexible timing of the text and our response to and accommodation of certain requirements, the Council has been unable to assume its responsibilities for the maintenance of international peace and security or to adopt the draft resolution because one permanent member exercised its right of veto. Given the central importance of Jerusalem to the Palestinian people, to the entire Arab and Muslim nation, to the followers of the three monotheistic religions and to the international community as a whole, the Council's inaction stands in stark contrast to the collective position of the international community, as reflected in the Council, the great potential damage of Israel's decision, its impact on the Middle East peace process, and the great harm wrought by the failure of the Council to adopt this draft resolution.

On 17 May 1995, the delegation of the United States of America exercised its right of veto against a draft resolution — also on the question of Jerusalem — that was favoured by 14 members of the Council. This occurred following Israel's expropriation of land owned by Arab Palestinians in Jerusalem. As far as I recall, that was the first exercise of the veto since the end of the cold war.

Today, on 7 March 1997, less than two years later, a second veto has been cast in regard to Jerusalem. We believe that this position will complicate the peace process and will not help advance it. Israel's failure to reverse its decision and to live up to its agreed commitments will be very harmful to the peace process as a whole.

We believe that the Security Council remains responsible for international peace and security, including in the Middle East region, and that the United Nations will have an ongoing responsibility regarding the question

of Palestine until it is resolved in all its aspects. The peace process and the Palestinian-Israeli agreements are in no way reasons for ending the responsibilities of the United Nations, nor are they reasons for the Security Council not to intervene — especially when those agreements have been violated.

In addition, the approach proposed by some States seems to suggest that Israel has the right to take unilateral steps and impose new realities on the ground, while at the same time, the Palestinian side should commit itself to resolving through negotiations the problems resulting from those steps. Of course, this has not been and will not be acceptable to us, and I hope that this will not be acceptable to the international community as a whole either.

Jerusalem is a central issue to us. We will not change our positions vis-à-vis Jerusalem — that is, vis-à-vis our historical rights in Jerusalem. Therefore, it is our duty to come before all the organs of the United Nations to present our legitimate cause. Accordingly, despite our deep appreciation for the efforts of all, in view of the Council's failure to fulfil its obligations, we will request the members of the United Nations to agree to an emergency meeting of the General Assembly, to be held in response to these developments in order to take appropriate action.

Let us hope that the international community as a whole will be able to fulfil its responsibilities and obligations to preserve the peace process and to provide further momentum to ensure implementation of the agreements reached. We hope, God willing, that we will achieve just, lasting and comprehensive peace in the Middle East.

The President: The representative of Israel has asked to speak. I now call on him to make his statement.

Mr. Peleg (Israel): Now that the Security Council has decided not to take any action regarding the decision of the Government of Israel to begin construction in Har Homa and in 10 predominantly Arab neighbourhoods throughout Jerusalem, it is our hope that the sponsors of the proposed resolution will recognize that the Security Council is not the appropriate forum for discussions of outstanding issues between Israel and the Palestinians. The Israeli-Palestinian peace process is founded upon direct, open and substantial dialogue between the sides. It is this dialogue which has brought about the historic progress already achieved. The adoption of unbalanced positions by outside parties can only damage this process. Mechanisms were created between Israel and the Palestinians to discuss all the issues between us. Permanent-status negotiations will be resumed later this month, and issues such as the issue of Jerusalem will be discussed there.

Let us support this mechanism and support these permanent-status negotiations. We trust that we and the Palestinians will reach agreement on all the outstanding issues between us.

The Government of Israel wishes here to reaffirm its unwavering commitment to the peace process on all its tracks.

The President: There are no further speakers.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 7:05 p.m.